

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : O'Donnell et al.) Examiner: R. Hutson
Serial No. : 10/671,207)
Cnfrm. No. : 6936) Art Unit:
Filed : September 25, 2003) 1652
For : NUCLEIC ACID ENCODING BACILLUS)
STEAROTHERMOPHILUS BETA)
POLYMERASE SUBUNIT)

**NOTICE OF APPEAL
AND
REQUEST FOR THREE-MONTH EXTENSION OF TIME**

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the Primary Examiner's decision dated October 20, 2006, finally rejecting claims 1, 2, 6-12, and 20.

Applicants hereby request an extension of time of three months from the due date of January 20, 2007.

Please charge the \$500 appeal fee and the \$1,020 extension of time fee to Deposit Account No. 14-1138. Any additional fees or any overpayment can be charged/credited to Deposit Account No. 14-1138.

Respectfully submitted,

Dated: April 20, 2007

/Edwin V. Merkel/
Edwin V. Merkel
Registration No. 40,087

NIXON PEABODY LLP
Clinton Square, P. O. Box 31051
Rochester, New York 14603-1051
Telephone: (585) 263-1128
Facsimile: (585) 263-1600